

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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DAVID FARROW,

Plaintiff,

vs.

W. BENTON,

Defendant.

{  
No. 07-2031-JDB/dkv  
}  
}

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ORDER GRANTING MOTION FOR EXTENSION OF TIME  
TO FILE PROPER MOTION TO PROCEED IN FORMA PAUPERIS  
(DOCKET ENTRY # 12)

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On March 25, 2008, the Court entered an order advising Plaintiff that under the Prison Litigation Reform Act of 1995 ("PLRA"), he must pay partial payments toward the \$350 filing fee from his prison trust fund account or pay the fee in full. The Court directed Plaintiff to file the documentation required by the PLRA. The order also advised Plaintiff that the Court does not have the discretion to grant special requests on the assessment or payment of the filing fee.

On March 31, 2009, Plaintiff filed a motion which the Court will construe as a motion for an extension of time to comply with the order entered March 25, 2008. Plaintiff had not yet received that order when he filed this latest request. Plaintiff is GRANTED thirty (30) days from the entry of this order to file the required documents. McGore, 114 F.3d at 605. If Plaintiff fails to file the required documentation or pay the filing fee, the Court will dismiss the action, pursuant to Fed. R. Civ. P. 41(b), for failure

to prosecute. McGore, 114 F.3d at 605. If dismissed under these circumstances, the case will not be reinstated despite the subsequent payment of the full filing fee and regardless of any request for pauper status.

If Plaintiff timely submits the proper documentation, and the Court finds that Plaintiff is indeed indigent, he may take advantage of the installment procedures of § 1915(b). In such case, Plaintiff will be able to make an initial partial payment equal to 20% of the greater of the average monthly deposits to his trust account for the past six months or the average monthly balance in his account for the past six months. After collection of the initial partial filing fee, the remaining balance will be collected in monthly installments equal to 20% of the income credited to the Plaintiff's account during the preceding months. These monthly payments, however, will be withdrawn only when Plaintiff's account balance exceeds \$10.

The Clerk is ORDERED to provide Plaintiff a copy of the prisoner in forma pauperis affidavit form along with this order.

IT IS SO ORDERED this 9th day of April, 2008.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE